



# The Supreme Court of South Carolina

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September 9, 2014

Mr. Mark Ostendorff  
135 Cedar Creek Circle  
Central SC 29630

Re: Sun Trust Mortgage v. Mark Ostendorff  
Appellate Case No. 2013-000144  
Lower Court Case No. 2007CP460405

Dear Mr. Ostendorff:

In the above case, this Court denied the petition for a writ of certiorari to review the South Carolina Court of Appeals' decision in Appellate Case Number 2010-150386. You have now filed a motion for reinstatement with this Court, and this motion has been construed as a petition for rehearing regarding the order denying the petition for a writ of certiorari.<sup>1</sup>

Please be advised that Rule 221 of the South Carolina Appellate Court Rules (SCACR) provides: "No petition for rehearing shall be allowed from an order

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<sup>1</sup> A motion to reinstate is only appropriate when the clerk of court has dismissed a matter. *See* Rule 260, SCACR. Any challenge to an order issued by the members of the Court must be made by a petition for rehearing under Rule 221, SCACR.

denying a petition for a writ of certiorari under Rule 242, SCACR." Therefore, no action will be taken on your petition for rehearing by this Court.<sup>2</sup>

I do note that you have an appeal currently pending before the South Carolina Court of Appeals from an order dated October 9, 2013. This appeal, which also arises out of 2007CP460405, has been assigned Appellate Case Number 2013-002432. The motion to dismiss and the return to the motion to dismiss that you have enclosed with the petition for rehearing have been filed in Appellate Case Number 2013-002432.

Very truly yours,

A handwritten signature in black ink, appearing to be "D. E. S.", written over a horizontal line.

CLERK

cc: Brian Steed Tatum, Esquire

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<sup>2</sup> Contrary to your assertion, the Court of Appeals may send the remittitur once the petition for a writ of certiorari is denied. Rule 221(b), SCACR ("If a petition for writ of certiorari is filed [under Rule 242], the Court of Appeals shall not send the remittitur until notified that the petition has been denied.").